

Serial No.: 10/671,940
Docket No.: 101-1007
Amendment dated September 28, 2006
Reply to the Office Action of July 10, 2006

REMARKS

Introduction

Claims 1-42 are pending in the application. Claims 12-24 and 33-39 have been withdrawn from consideration. Claims 1 and 25 have been amended. In view of the following remarks, reconsideration and allowance of all the pending claims is respectfully requested.

Rejections under 35 USC §102

Claims 1-9, 11, 25-29, and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002-0089564 to Ohashi. Applicants request reconsideration of this rejection for at least the following reasons.

Claims 1-9 and 11

Applicants respectfully submit that, as pointed out in the previous Responses and during an interview conducted on June 8, 2006, Ohashi fails to disclose "first and second wall portions to define a space to **collect** ink." However, Applicants have amended claim 1 to recite "an ink collector positioned under paper to correspond to the nozzle unit and having first and second wall portions to enclose a space to collect ink therebetween" in order to expedite prosecution of the present application. Accordingly, it is respectfully submitted that Ohashi fails to disclose, among other things, "an ink collector positioned under paper to correspond to the nozzle unit and having first and second wall portions to enclose a space to collect ink therebetween," as presently recited in independent claim 1 of Applicants' invention, since Ohashi's platen 11, on which the Examiner relies, cannot be interpreted as enclosing a space to collect ink.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

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"The elements must be arranged as required by the claim..." In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Further, in the event that the Office Action is relying on the theory of inherency in any manner, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). See also MPEP 2112. Accordingly, since Ohashi does not explicitly or inherently disclose every element as presently recited in independent claim 1, Ohashi cannot be properly used to reject independent claim 1 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 1 is allowable over Ohashi, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Regarding claims 2-9 and 11, it is respectfully submitted that for at least the reasons that each of claims 2-9 and 11 depends from allowable independent claim 1, and therefore contain each of the features as presently recited in this claim, claims 2-9 and 11 are therefore also patentable over Ohashi. Accordingly, withdrawal of the rejection and allowance of these claims are also earnestly solicited.

Claims 25-29 and 31

Applicants respectfully submit that Ohashi fails to disclose, among other things, "an ink collector having first and second wall portions spaced-apart from each other and extending in a direction perpendicular to the printing medium to define a space to collect ink from the printing medium," as presently recited in independent claim 25 of Applicants' invention, since Ohashi's platen 11, on which the Examiner relies, cannot be interpreted as having "first and second wall portions spaced-apart from each other and extending in a direction perpendicular to the printing medium to define a space to collect ink from the printing medium."

Accordingly, since Ohashi does not explicitly or inherently disclose every element as presently recited in independent claim 25, Ohashi cannot be properly used to reject independent claim 25 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 25 is allowable over Ohashi, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

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Regarding claims 26-29 and 31, it is respectfully submitted that for at least the reasons that each of claims 26-29 and 31 depends from allowable independent claim 25, and therefore contain each of the features as presently recited in this claim, claims 26-29 and 31 are therefore also patentable over Ohashi. Accordingly, withdrawal of the rejection and allowance of these claims are also earnestly solicited.

Claim 32 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002-0041303 to Yoshinaga. Applicants traverse this rejection for at least the following reasons.

At page 6 of the Office Action of July 10, 2006, the Examiner alleges that "Yoshinaga discloses a printer comprising...a plurality of first support beams (23a, 23b) ...to support the printing medium...and a plurality of second support beams (23c, 23d) ...to support the printing medium..." Thus, the Examiner is apparently relying on FIG. 2 of Yoshinaga as allegedly reading on Applicants' independent claim 32.

However, it should first be noted that FIG. 2 of Yoshinaga is a view of the device of FIG. 1 of Yoshinaga shown along the scanning direction of the recording head (which corresponds to direction B of FIG. 1). In other words, as can be seen from FIG. 1 of Yoshinaga, the ink recovering sections 22 which include thin plates 23a, 23b, etc., which are relied on by the Examiner, are actually disposed on outer sides of a guide surface 20a of a platen 20 and do not support a recording medium 1 when the recording medium 1 is conveyed for printing. In fact, upon close examination of FIG. 2, it is evident that the thin plates 23a, 23b, etc. do not have the same height as the platen 20a (i.e., h_2 minus h_1). Furthermore, Yoshinaga states at page 4, paragraph [0051] that:

"since the height of the uppermost end of each thin plate 23 is set to be h_1 lower than the guide surface 20a of the platen 20, the ink deposited on the uppermost end of the thin plate 23 is prevented from contacting the backside of the recording medium 1."

Apparently, Yoshinaga relies on this height difference to prevent contact between the recording medium 1 and the thin plates 23a, 23b, and 23c such that ink does not smear on the back of the recording medium 1. Since Yoshinaga's thin plates 23 do not contact the recording

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medium 1, it is clearly not possible for these thin plates 23a, 23b, and 23c to support the recording medium 1 when the paper is conveyed along the guide surface 21da. Accordingly, Yoshinaga's thin plates 23 do not "support the printing medium" and Yoshinaga's thin plates 23 are not the same as Applicants' "first support beams" and "second support beams." Therefore, Yoshinaga fails to disclose, among other things, "a plurality of first support beams disposed within the space portion ... to support the printing medium above the space portion" and "a plurality of second support beams disposed within the space portion ... to support the printing medium during feeding thereof," as recited in independent claim 32 of Applicants' invention.

Accordingly, since Yoshinaga does not explicitly or inherently disclose every element as recited in independent claim 32, Yoshinaga cannot be properly used to reject independent claim 32 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 32 is allowable over Yoshinaga, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Rejection under 35 USC §103

Claim 30 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Ohashi in view of U.S. Patent No. 6,158,840 to Kobayashi et al. Applicants respectfully request reconsideration of this rejection for at least the following reason.

Claim 30 indirectly depends from independent claim 25, and therefore includes the features as presently recited in independent claim 25. The Examiner acknowledges that Ohashi does not disclose the space portion comprising a felt to absorb ink drops caught by the space portion. See Office Action of July 10, 2006 item 6, page 7. However, the Examiner relies on Kobayashi et al. to allegedly teach or suggest the features admittedly lacking in Ohashi. See Office Action of July 10, 2006 item 6, page 7. Applicants respectfully submit that even if Kobayashi et al. did in fact describe felt to absorb ink drops in the space portion, as alleged by the Examiner, Ohashi and Kobayashi et al., either separately or in combination with one another, fail to teach or suggest "an ink collector having first and second wall portions spaced-apart from each other and extending in a direction perpendicular to the paper to define a space to collect ink from the printing medium," as presently recited in independent claim 25 of

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Applicants' invention. Accordingly, claim 30 is patentable over the references relied upon by the Examiner, and withdrawal of the rejection and allowance of this claim is earnestly solicited.

New Claims

Claims 40-42 have been newly added. New independent claim 40 recites features, which are not disclosed, taught, or suggested in the prior art of record, for example, "one or more first support beams extending from the first opposing wall portion of the ink collector partially across the defined space" and "one or more second support beams extending from the second opposing wall portion of the ink collector partially across the defined space." New independent claim 41 also recites features which are not taught, disclosed, or suggested by the prior art of record, for example, "first and second support beams extending from the first and second opposing wall portions of the ink collector to segment the defined space of the ink collector without partitioning the defined space." New dependent claim 42 further defines features recited in independent claim 41.

Applicants respectfully submit that support for newly added claims 40-42 can be found in FIGS. 5, 6, 7A, and 7B, among other places. Accordingly, it is respectfully submitted that new claims 40-42 do not present new matter, and are allowable over the prior art of record, and allowance of these claims is earnestly solicited.

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Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

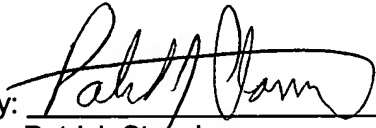
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

A \$550 fee for additional claims has been incurred by this Amendment. If any further fees are required in connection with the filing of this amendment, please charge the same to out Deposit Account No. 502827.

Respectfully submitted,

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